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**REPORT FOR THE U.S.  
DEPARTMENT OF JUSTICE**  
**August 2012**

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Global Legal Research Center  
LL File No. 2012-008342

**INDIA**

**PERSECUTION OF THE SHIROMANI  
AKALI (MANN) PARTY**

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## PERSECUTION OF THE SHIROMANI AKALI (MANN) PARTY

*Executive Summary*

*Though there was once animosity between members of the Sikh faith and the Congress Party during the period of conflict from the 1980s to the mid-1990s in Punjab Province, India, the current situation has significantly improved. Information, some of it conflicting, on the relationship between the Congress Party and Badal Party was identified, but no information was found on how the Congress Party treats the Mann Party. There is evidence of ill-treatment and harassment from the Punjab police towards leaders and members of the Mann Party. It should be noted that the Badal Party is a coalition partner of the provincial government of Punjab, which is headed by Badal leader Parkash Singh Badal.*

**I. Persecution of the Shiromani Akali Dal (Mann) Party by Congress Party Members**

A 2012 Operational Guidance Note published by the UK Home Office states that, “[i]n 1984, anti-Sikh riots erupted following the assassination of Prime Minister Indira Gandhi. Nearly 3,000 Sikhs were killed, allegedly with the support of Congress Party officials.”<sup>1</sup> More recently, however, the situation of Sikhs has reportedly improved considerably since the violent period between the 1980s and mid-1990s.<sup>2</sup>

Relations between the Congress Party and the Sikh community in Punjab also appear to have improved significantly. According to a 2006 report by the Immigration and Refugee Board of Canada, which cited a BBC report, “Sikhs and the ruling Congress party enjoy a relationship based on trust more now than has been the case in the past (BBC 16 Mar. 2005). A Punjab-based political scientist explained, ‘[t]ime is a great healer and it has done the same to the relationship between Congress and the Sikhs.’”<sup>3</sup> Moreover, according to a 2007 Operational Guidance Note prepared by the UK Home Office,

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<sup>1</sup> Home Office: UK Border Agency, Operational Guidance Note: India para. 3.6.4 (June 2012), <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/india.pdf?view=Binary>.

<sup>2</sup> Immigration and Refugee Board of Canada, Response to Information Request (RIR) No. IND100771.EX (Jan. 18, 2006), [http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=452347&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=452347&l=e).

<sup>3</sup> *Id.*

[t]he Akali Dal [Shiromani Akali Dal (Badal)] and the Congress Party are both legal political parties within India who campaign and participate in State and National elections. There is no evidence to suggest that members of one party fearing ill-treatment or persecution by individual members of the other party could not seek protection from the authorities or relocate internally to escape a local threat.<sup>4</sup>

No mention was made in the above reports of persecution of members of the Shiromani Akali Dal (Mann) Party (also known as the Amritsar Faction) by the Congress Party.

According to a 2011 Australian Refugee Review Tribunal report, clashes between Akali Dal supporters and supporters of other political groups, including Congress Party members, “have reportedly occurred during election periods.”<sup>5</sup> However, the report seems to be referring to the Badal faction rather than the Mann/Amritsar Party.

## II. Persecution of the Shiromani Akali Dal (Mann) Party by Akali Dal Badal Party Members

According to a 2012 report by the Immigration and Refugee Board of Canada, “the Akali Dal (Amritsar/Mann) and Akali Dal (Panch Pardhani) ‘oppose’ the Akali Dal (Badal), the ruling party, and have consequently faced ‘harassment’ from them.”<sup>6</sup> The report goes on to detail instances of abuse from news reports:

The Panthic Morcha is a coalition group of the Akali Dal (Panch Padhani) and other Akali Dal groups that opposed the Akali Dal (Badal) in the 2011 elections of the Shiromani Gurdwara Parbandak Committee (SGPC) (WSO [World Sikh Organization] 1 Apr. 2012), which is also called the Parliament of the Sikh Nation (SGPC n.d.). The *Times of India* reports that, in August 2011, the Panthic Morcha accused the ruling Akali Dal (Badal) party of “threatening them” and filing “false” criminal charges against them in order to “force” them to withdraw from the SGPC election (26 Aug. 2011). *Punjab Newsline* similarly reports on accusations that the Akali Dal (Badal) used “brutal force” against its opponents, as well as engaging in “widespread violence, booth capturing, and intimidation” (18 Sept. [2011]). The *Hindustan Times* also reports several incidents of violence between the Akali Dal ruling party and its opponents as occurring during the SGPC elections (19 Sept. 2011).<sup>7</sup>

A 2008 report by the Immigration and Refugee Board of Canada, however, details some instances of police arresting leaders and members of the Shiromani Akali Dal (Mann) Party. The report goes on to rely on expert opinion, which concludes that members of the Shiromani Akali Dal (Mann) Party are not generally harassed or ill-treated by the Police. However, other experts

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<sup>4</sup> Home Office: UK Border Agency, Operational Guidance Note: India para. 3.10.6 (Feb. 2007), available at <http://www.unhcr.org/refworld/pdfid/46028cc82.pdf>.

<sup>5</sup> Australian Government Refugee Review Tribunal, Country Advice: India, IND38564, at 4 (Apr. 11, 2011), [www.mrt-rrt.gov.au/ArticleDocuments/87/IND38564.pdf.aspx](http://www.mrt-rrt.gov.au/ArticleDocuments/87/IND38564.pdf.aspx) (citing BBC News).

<sup>6</sup> Immigration and Refugee Board of Canada, RIR No. IND104058.E (Apr. 30, 2012), available at [http://www.ecoi.net/local\\_link/218321/325047\\_en.html](http://www.ecoi.net/local_link/218321/325047_en.html) (citing World Sikh Organization [WSO] representative, Apr. 1, 2012).

<sup>7</sup> *Id.*

concluded they may be harassed or arrested “‘at certain times’ for participating in party gatherings, publicly complaining about the treatment of Sikhs by Indian authorities or calling for the creation of Khalistan.”<sup>8</sup>

The 2012 report further details incidents of arrests and detentions of members and leaders, including the party president of the Shiromani Akali Dal (Mann) Party. The report states,

[a]ccording to the WSO representative, “[t]here have been several instances of members of both the Mann and Panch Pardhani groups being taken into ‘preventative detention’ in advance of planned demonstrations or events” and of “often” being arrested during “political agitations” (1 Apr. 2012). He also indicated that it is “difficult to provide a concrete figure with respect to length of detention ... [as it] depend[s] on the reasons for arrest” (10 Apr. 2012).<sup>9</sup>

The report goes on to detail some other instances of arrest:

A December 2010 article in the *Indian Express* reports that, under Section 124A of the *Indian Penal Code*, Simranjit Singh Mann had been arrested for sedition more than 50 times since 1984 when he joined the movement for an independent Sikh state (30 Dec. 2010). Sedition, according to the *Indian Express* article, is punishable by a prison term of up to three years or for life (30 Dec. 2010). Similarly, the Mumbai-based *Daily News and Analysis (DNA)* reported in March 2011 that Mann had again been arrested for sedition, while noting that there were 80 previous cases against him, throughout Punjab and outside the state, for advocating the establishment of Khalistan (*DNA* 6 Mar. 2011). The article also said that only two charges remained outstanding against Mann, one in Amritsar and the other in Patiala (*ibid.*).

The *Indian Express* reports that, in November 2011, police arrested six youths “raising” pro-Khalistan slogans during the arrival of the senior leader of the BJP at a rally in Amritsar (16 Nov. 2011). *Firstpost*, a Mumbai-based online newspaper, reports that the police arrested a member of the “radical Akali Dal (Mann) groups” who was protesting during a BJP anti-corruption rally in Amritsar on 14 November 2011 ([Nov. 2011]). The *Hindu* reports that “[a]ctivists of the pro-hardline fringe Akali factions and radical Sikh organisations disrupted” a BJP rally in Amritsar by “raising pro-Khalistan slogans” (14 Nov. 2011). Mann, the leader of the protesters, was detained (*The Hindu* 14 Nov. 2011). Further information on the detention of Simranjit Singh Mann could not be found among the sources consulted by the Research Directorate [of the Immigration and Refugee Board of Canada].<sup>10</sup>

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<sup>8</sup> Immigration and Refugee Board of Canada, RIR No. IND102547.E (Apr. 15, 2008), available at <http://www.unhcr.org/refworld/country,,IRBC,,IND,,49b92b42c,0.html>

<sup>9</sup> Immigration and Refugee Board of Canada, *supra* note 6.

<sup>10</sup> *Id.*

In late March 2012, Simranjit Singh Mann and other leaders of “radical organizations” were reportedly taken into preventative custody in order to prevent them from participating in “victory processions.”<sup>11</sup>

No mention is made in the above immigration reports regarding whether such abuse is meted out at the instigation of state officials of the ruling SAD (Badal) Party. However, it should be noted that the Amritsar/Mann faction of the Shiromani Akali Dal recently filed a suit in the US District Court for the Eastern District of Wisconsin for alleged abuses and torture by police and other security forces under the direction of the Chief Minister of Punjab, Parkash Singh Badal, also a leader of the Badal party.<sup>12</sup> According to news reports, local police in India have been exerting pressure on the family of one of the complainants, who is a member of the Mann party, to withdraw the suit.<sup>13</sup>

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August 2012

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<sup>11</sup> Rohit Mullick, *Muted Celebrations in Punjab over Stay on Rajoana Hanging*, THE TIMES OF INDIA (Mar. 29, 2012), [http://articles.timesofindia.indiatimes.com/2012-03-29/india/31253889\\_1\\_sikh-organizations-dal-khalsa-victory-processions](http://articles.timesofindia.indiatimes.com/2012-03-29/india/31253889_1_sikh-organizations-dal-khalsa-victory-processions).

<sup>12</sup> Sikhs for Justice v. Badal, No. 2:2012-cv-00806-RTR (E.D. Wis. filed Aug. 8, 2012). See Gurpreet Kaur, *US Federal Court Summons Badal for Human Rights Violations*, SIKH24.COM (Aug. 9, 2012), [http://www.sikh24.com/2012/08/us-federal-court-summons-badal-for-human-rights-violations/#.UCp\\_j3J1Ot0](http://www.sikh24.com/2012/08/us-federal-court-summons-badal-for-human-rights-violations/#.UCp_j3J1Ot0); and Sarabjit Pandher, *U.S. Court Issues Summons to Badal for Rights Violations*, THE HINDU (Aug. 10, 2012), <http://www.thehindu.com/news/states/other-states/article3747035.ece>.

<sup>13</sup> Neel Kamal, *Summons to Badal in US: Family of Complainant Back Home Being Frequented by Punjab Police*, THE TIMES OF INDIA (Aug. 11, 2012), [http://articles.timesofindia.indiatimes.com/2012-08-11/chandigarh/33152892\\_1\\_punjab-police-face-harassment-summons](http://articles.timesofindia.indiatimes.com/2012-08-11/chandigarh/33152892_1_punjab-police-face-harassment-summons).